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National report submitted in accordance with paragraph 5 of the annex to Human Rights Council resolution 16/21*

Monaco

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I. Preparation of the report

1. The Principality of Monaco presented its second national report on the human rights situation in Monaco to the seventeenth session of the Working Group on the Universal Periodic Review (A/HRC/WG.6/17/MCO/1) on 28 October 2013. The Working Group adopted its report on 31 October 2013.

2. The Human Rights Council adopted the report of the Working Group at its twenty-fifth session on 3 January 2014 (A/HRC/25/12). In total, 81 recommendations were made in respect of Monaco.

3. Eleven of those recommendations did not enjoy the support of Monaco (and shall not therefore be addressed in this report) owing to the specific features of the Principality — a constitutional monarchy covering an area of 2.03 km^2 and home to just 38,300 inhabitants, 9,259 of whom have Monegasque nationality (Monegasque Institute of Statistics and Economic Studies, 2017)[1] — or the existence of different mechanisms to achieve similar objectives.

4. The present report therefore covers the implementation up to August 2018, of the 51 recommendations accepted by Monaco and the remaining 19 recommendations that Monaco undertook to take up at a later date.

5. This document contains:

- The views submitted by Monaco following its second review (see A/HRC/25/12/Add.1, dated 27 February 2014)
- The progress made by Monaco since its last review, as detailed in the interim report of 12 April 2017, which was submitted on a voluntary basis
- The updated replies of 2018, including a table showing the status of the recommendations

6. During various consultations, the Department of Foreign Affairs and Cooperation received contributions from the following entities: the Department of Health and Social Affairs, the Department of the Interior, the Directorate of Civil Service Training and Human Resources, the Directorate of Legal Affairs and the Directorate of Judicial Services.

7. This third report begins by outlining the changes made since 2013, namely the adoption of legislation, the ratification and/or signature of international instruments and the establishment of new institutions. In the final section, an update on the implementation of the recommendations is provided.

II. Progress achieved in the field of human rights

8. Developments since the previous review of 2013 as regards the normative and institutional framework for the promotion and protection of human rights.

A. Changes to domestic law

9. Laws adopted include:

- Sovereign Ordinance No. 4.524 of 30 October 2013 establishing the Office of the High Commissioner for the Protection of Human Rights and Freedoms and for Mediation
- Act No. 1.409 of 22 October 2014, amending Act No. 839 of 23 February 1968 on national and municipal elections, making it possible for detainees to exercise their right to vote through a proxy

[1] Monegasque Institute of Statistics and Economic Studies: http://www.imsee.mc/.

- Act No. 1.410 of 2 December 2014 on the protection, autonomy and promotion of the rights and freedoms of persons with disabilities
- Sovereign Ordinance No. 5.193 of 30 January 2015 on disability evaluation boards and Sovereign Ordinance No. 5.194 of 30 January 2015 establishing a careers guidance commission for workers with disabilities
- Act No. 1.415 of June 2015 amending Act No. 771 of 25 July 1964 on the organization and functioning of the National Council
- Act No. 1.421 of 11 December 2015 providing for various measures relating to the responsibility of the State and means of redress
- Sovereign Ordinance No. 5.743 of 3 March 2016 on State medical assistance
- Act No. 1.425 of 6 May 2016 establishing State financial assistance to facilitate access to loans for students
- Act No. 1.435 of 8 November 2016 on combating cybercrime
- Act No. 1.440 of 5 December 2016 amending certain provisions of the Civil Code relating to names and establishing pre-birth recognition of the child
- Act No. 1.441 of 5 December 2016 on ensuring the accessibility of the built environment
- Act No. 1.454 of 30 October 2017 relating to medical consent and information, which legally and comprehensively enshrines the requirement for the prior consent of the patient, in line with the jurisprudence of the European Court of Human Rights relating to article 8 of the European Convention on Human Rights
- Act No. 1.457 of 12 December 2017 regarding harassment and violence in the workplace

B. Signature and ratification of international instruments

10. The following conventions were ratified:

- Council of Europe Convention on Protection of Children against Sexual Exploitation and Sexual Abuse (the Lanzarote Convention), in 2014
- Optional Protocol to the Convention on the Rights of the Child on a communications procedure in 2014
- Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (the Istanbul Convention), in 2014
- Council of Europe Convention on Action against Trafficking in Human Beings, in 2015
- Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women, in 2016
- Council of Europe Convention on the Prevention of Terrorism (CETS No. 196), in 2016
- Protocol amending the European Convention on the Suppression of Terrorism (ETS No. 190), in 2016
- Additional Protocol to the Council of Europe Convention on the Prevention of Terrorism (CETS No. 217), in 2016
- Council of Europe Convention on Cybercrime and its Additional Protocol to the Convention on Cybercrime, concerning the criminalisation of acts of a racist and xenophobic nature committed through computer systems, in 2017
- United Nations Convention on the Rights of Persons with Disabilities, in 2017

C. New institutions for the promotion and protection of human rights

11. **The Office of the High Commissioner for the Protection of Human Rights and Freedoms and for Mediation** was established by Sovereign Ordinance No. 4.524 of 30 October 2013. The High Commissioner was appointed by His Serene Highness the Sovereign Prince on 3 February 2014. The Commissioner's main functions are to protect citizens in their dealings with the authorities and to combat unjustified discrimination.

12. **The Association for the Support of Victims of Crime (AVIP)** was established in July 2014 pursuant to Act No. 1.382 of 20 July 2011 on the prevention and punishment of specific forms of violence. The Association's purpose, as approved through Ministerial Decision No. 2014-660 of 20 November 2014, is to provide support to victims of criminal offences, including victims of violence in general (physical, sexual, emotional etc.), free of charge and on a confidential basis.

13. **An interministerial committee for the promotion and protection of women's rights is currently being established**. Its purpose will be to promote effective, comprehensive and long-term policies by fostering greater cooperation between government departments and between the Government and relevant associations.

III. Implementation of recommendations from previous cycles

14. Follow-up to the recommendations made at the time of the previous review of 28 October 2013 and supported by Monaco.

15. For the record, 81 recommendations were made by the Working Group on the Universal Periodic Review.

16. It may be recalled that:

- Monaco accepted 51 recommendations (Nos. 89.1 to 89.51), some of which have since been implemented; others related to follow-up on actions already undertaken.
- A further 19 recommendations warranted further study, at the request of Monaco (Nos. 90.1 to 90.19). Recommendations Nos. 90.2 and 3 have subsequently been implemented.
- The remaining 11 recommendations did not enjoy the support of Monaco (Nos. 91.1 to 91.11).

A. Full implementation of accepted recommendations

Recommendations 89.1 to 89.9 concerning ratification of the Convention on the Rights of Persons with Disabilities, which Monaco signed in 2009

17. The Convention on the Rights of Persons with Disabilities was ratified on 19 September 2017 and given the force of law by Sovereign Ordinance No. 6.630 of 2 November 2017.

18. It should be noted that two laws had previously been adopted in 2014 and 2016, on the rights and freedoms of persons with disabilities and on the accessibility of the built environment, respectively (see section II.A above regarding changes to domestic law).

Recommendation 89.10 on adopting and implementing a law on the functioning and organization of the National Council in order to reflect the changes that were made to the Constitution of 2002

19. In June 2015, Act No. 1.415, amending Act No. 771 of 25 July 1964 on the organization and functioning of the National Council, was adopted, thus bringing the organization and functioning of the National Council into line with the amended Constitution of 2 April 2002.

20. In that respect, the Act reflected the amendment made to article 58 of the Constitution regarding the dates of regular sessions, now the first working days of April and October rather than of May and November, and the duration of each session, which was increased from two to three months. Moreover, Act No. 1.415 repealed article 24 of Act No. 771 allowing the Minister of State to request an adjournment of the discussion whenever a proposal or an amendment was presented during the discussion, since it had become contrary to the new wording of article 67 of the Constitution.

Recommendation 89.11 regarding the inclusion in domestic law of a definition of torture in compliance with the provisions of the Convention against Torture

21. First, it should be noted that Monegasque domestic law already deals comprehensively with the concept of torture at various levels of the legal system.

22. Second, the courts interpret the term "torture and other cruel, inhuman or degrading treatment" broadly, with the result that the definitions contained in the Convention against Torture and the International Covenant on Civil and Political Rights are covered in the application of Monegasque legislation.

23. Lastly, the definition provided for in the Convention forms part of the domestic legal order and, in the rulings of the highest courts (the Supreme Court, the Court of Review and the Court of Appeal), judges often directly refer to international treaties.

Recommendation 89.13 concerning the bill on the promotion and protection of the rights of persons with disabilities

(See the information provided regarding recommendation 89.24 on protection policies for persons with disabilities.)

24. Act No. 1.410 on the protection, autonomy and promotion of the rights and freedoms of persons with disabilities was adopted on 2 December 2014.

25. The Act addresses the situation of persons with disabilities in a comprehensive manner. It aims to define the concept of disability, taking into account the practical consequences of how the permanent, or at least long-lasting, substantial alteration of one or more physical, sensory, mental, cognitive or psychological functions affects a person's interaction with their environment and quality of life.

26. The bill defines all types of measures (such as the need for human, technical or financial assistance) with a view to ensuring the greatest possible independence for persons with disabilities while respecting their life plans.

27. The purpose of the bill is to ensure respect for the rights and freedoms of such persons. The operative part of the bill sets forth in particular access to employment and sheltered employment, the allocation of various allowances to ensure that persons with disabilities have sufficient resources, facilitated access in the city and to public transport, as well as care and schooling for children with disabilities. In addition, provisions have now been introduced to recognize family caregivers.

Recommendations 89.14 to 89.23 on the establishment of a national human rights institution

28. These recommendations were accepted at the time of the 2013 review and are considered to have already been implemented.

29. Under Sovereign Ordinance No. 4.524 of 30 October 2013, the Office of the High Commissioner for the Protection of Human Rights and Freedoms and for Mediation was established, with responsibilities including those previously assigned to the Minister responsible for appeals and mediation.

30. The Office of the High Commissioner is thus responsible for handling appeals and disputes between citizens or users and the authorities or public services, which include the executive branch departments under the direct authority of the Minister of State and the

departments attached to the judiciary, the National Council, the Commune and public institutions.

31. The role of the High Commissioner entails a number of guarantees, such as neutrality, impartiality and operational and financial independence. The guarantees enshrined in the aforementioned Ordinance also apply to the procedures for referring cases to the High Commissioner and to his or her powers to investigate and make recommendations to the administrative authorities.

32. All relevant information about the Office of the High Commissioner is available at the following website: www.hautcommissariat.mc.

Recommendation 89.24 on the further strengthening of protection policies for children, women and persons with disabilities

33. Monaco is deeply committed to protecting the most vulnerable persons (see second report of Monaco of 23 July 2013). Attention may here be drawn to measures such as ensuring the accessibility of buildings and public transport, the provision of support and schooling for persons with disabilities, the establishment of adequate care facilities for victims of violence, the training provided to professionals who come into contact with victims and the prevention measures put in place. Activities in this area have only increased in recent years.

Special measures for women and children

(See the information provided regarding recommendation 89.38 concerning the law on specific forms of violence)

34. An interministerial committee for the promotion and protection of women's rights, composed of administrative services and relevant associations, is being set up. Its purpose will be to ensure — through the exchange of information between its members — the coordination, implementation, monitoring and evaluation of national policies and measures taken to prevent and combat all forms of violence and discrimination against women.

35. The forms of discrimination concerned are those covered by the following conventions: the Convention on Action against Trafficking in Human Beings of 2005, the Istanbul Convention of 2011 and the Convention on the Elimination of All Forms of Discrimination against Women of 1979.

36. This committee will thus follow up on the recommendations adopted by the international bodies responsible for monitoring States parties' implementation of international conventions.

37. The International Day to Combat Violence against Women has been observed on 25 November each year since 2016 and the activities of government and health-care services have been aligned in order to provide individualized care in cases of domestic violence.

38. The Lanzarote Convention and the Istanbul Convention were both ratified in 2014.

Measures taken regarding persons with disabilities

(See the information provided regarding recommendation 89.13 on the Act aimed at protecting and promoting the rights of persons with disabilities.)

39. Social welfare has been strengthened through the allocation of additional human resources to the Social Inclusion and Disability Division of the Department of Social Welfare and Social Services, which is under the authority of the Department of Health and Social Affairs.

Regarding adults

40. Following on from Sovereign Ordinance No. 5.194 of 30 January 2015 establishing a careers guidance commission for workers with disabilities, the Government approved a number of measures on 26 October 2016 aimed at fostering the social inclusion, within the

Administration, of persons recognized as workers with disabilities. As a result, such persons are now governed by civil service or other regulations applicable to State officials and are therefore able to enjoy the attendant benefits (permanent employment, promotions, annual appraisals and social benefits).

Regarding minors

41. In accordance with Act No. 1.334 of 12 July 2007 on education and Act No. 1.410 of 2 December 2014 on the protection, autonomy and promotion of the rights and freedoms of persons with disabilities, significant progress has been achieved in the Monegasque educational system. There are 6,309 pupils, ranging from early years up to the final year of secondary education; 12 schools, 9 of which are public schools; and 11 municipal crèches in Monaco (Monegasque Institute of Statistics and Economic Studies, 2017 data).

42. Specific measures include:

- Special classes for pupils with "dys-" disorders (such as dysphasia and dyspraxia) and learning difficulties. There are currently 20 such pupils in primary and secondary education.
- Adaptation and integration classes for pupils with intellectual disabilities, autism or personality disorders. There are currently 15 such pupils in primary and secondary education.
- Regular disability awareness workshops for schools in the Principality.

43. Moreover, a specialized education centre will open in September 2018, under the aegis of the Department of Health and Social Affairs. With a capacity of 15 places, the centre will provide individualized educational support that takes into account every aspect of a child with disabilities. Support will be offered to aid in his or her education, foster his or her social inclusion and help him or her to achieve a degree of autonomy. The centre also supports family members in the acceptance and day-to-day management of the disability or disorder.

44. Lastly, a project to build an outpatient facility is under way. It will have 15 daybeds in children's psychiatry and provide care for children with serious behavioural problems that are incompatible with their continued schooling. The hospital will therefore offer health care while also supporting the children academically.

Recommendation 89.25 on the continuation of efforts towards older persons

45. The Principality of Monaco is continuing its policy in support of older persons. Of the 38,300 persons residing in Monaco, 25.9 per cent are aged 65 and over (Monegasque Institute of Statistics and Economic Studies, 2017 data).

46. The following initiatives should be noted:

- Opening of the Rainier III Clinical Gerontology Centre (210 beds) in February 2013.
- Enabling older persons to stay at home or as long as possible and in good living conditions through projects, under the remit of the Gerontological Coordination Centre of Monaco, to provide home adaptations, support, medical and paramedical response, carers and assistance with transportation. This approach has often been cited by the World Health Organization as an example of best practice.
- Modernizing the Résidence du Cap Fleuri, a residential facility for dependent older persons. The Government is planning to establish a unit within that facility for older persons with psychosocial disabilities who need special care.
- Implementing an intergenerational cooperation project involving the Department of Education, Youth and Sports and the welfare services for older persons, run by the Mayor of Monaco.

Recommendations 89.26 and 89.27 on the continuation of efforts, including awareness-raising, in the field of human rights

47. The Monegasque education system places an emphasis on humanist values, not only in terms of the content of actual lessons but also through many extracurricular activities.

48. Various initiatives are being developed within that framework, including:

- Establishing Health and Citizenship Educational Committees in secondary schools with the aim of encouraging discussion among students about mutual assistance and the types of behaviour that can help build self-respect and respect for others.
- Providing in-service training for teachers on teaching methods that empower students and encourage their participation.
- Conducting awareness-raising activities as part of a "Say 'No' to Harassment" day, aimed at combating violence in schools; introducing the concept of harassment into schools' rules of procedure; and organizing networking lunches, at the hospitality and technical secondary school of Monaco, which provide the opportunity to discuss diverse topics including sexual discrimination.
- Commemorating various international days such as the International Day of Peace, on 21 September; International Day of Disabled Persons, on 9 October; Universal Children's Day, on 20 November; International Day for the Elimination of Violence against Women, on 25 November; Day of Remembrance of the Holocaust and for the Prevention of Crimes against Humanity, on 27 January; and International Day of Sport for Development and Peace, on 10 May.
- Arranging the Princess Charlene rally to support the development of peace through sport; the Week of Solidarity in association with the Monegasque and French Red Cross organizations; and activities with Educate, a non-governmental organization (NGO), such as the building of a school yurt in Mongolia in 2018 with the help of students.
- Establishing a partnership between the Department of Education, Youth and Sports and the PeaceJam Foundation for the purpose of introducing young people to the lives and work of Nobel Peace Prize laureates in an interactive format.

49. Other examples include a symposium in June 2018 on children's rights, organized by the Department of Foreign Affairs and Cooperation and chaired by Her Royal Highness the Princess of Hanover. The theme of the symposium was violence against children in family and school contexts.

50. Participants included Marta Santos Pais, the Special Representative of the Secretary-General on Violence against Children, and Elda Moreno, Head of the Children's Rights and Sport Values Department of the Council of Europe.

Recommendation 89.28 on human rights training for judges and police personnel

51. The initial training for judiciary staff and police officers includes matters relating to human rights.

52. A module on discrimination is taught to police cadets at the police academy of the Department of Public Security as part of a course on ethics and professional standards in policing.

53. In addition, the Monegasque authorities are carrying out numerous specific initiatives on human rights education as part of the in-service training of all civil servants and law enforcement officials.

54. For example, on 19 April 2013, the Government held a training workshop on racial discrimination and racism for employee and employer members of the Labour Court and for judicial and police personnel.

55. The conference was led by Nils Muižnieks, Council of Europe Commissioner for Human Rights, and Jean-Paul Costa, President of the International Institute of Human Rights and former President of the European Court of Human Rights.

56. In addition, on 5 December 2014, the Directorate of Judicial Services organized a conference, open to the general public, on the prohibition of discrimination under the Convention for the Protection of Human Rights and Fundamental Freedoms.

57. The conference was moderated by Jean-François Renucci, Professor at the Faculty of Law of the University of Nice Sophia-Antipolis and a renowned expert in the field of human rights.

58. More recently, the Directorate of Judicial Services held another conference, again moderated by Professor Renucci and open to all, on the Convention for the Protection of Human Rights and Fundamental Freedoms and the school environment.

Recommendations Nos. 89.29 to 89.36 on strengthening the fight against all forms of discrimination, in particular racial discrimination, xenophobia and other forms of intolerance, including by making specific criminal provisions introducing racist motivation as an aggravating circumstance

59. Under Monegasque positive law, it is already possible to adequately punish crimes or offences motivated by racial hatred. Articles 17, 23 and 32 of the Constitution and Act No. 1.299 of 15 July 2005 on freedom of public expression are notable in this regard.

60. Act No. 1.435 of 8 November 2016 on combating cybercrime established that racist motivation generally constitutes an aggravating circumstance in all offences involving threats.

61. The Act provided for the insertion of a new article 234-2 in the Criminal Code, as follows:

> *"If directed against a person or group of persons on account of their origin or real or presumed membership or non-membership of a particular ethnic group, people, race or religion, or on account of their real or presumed sexual orientation, the threats referred to in article 230 shall be punishable by imprisonment of between 2 and 5 years and by the fine stipulated in article 26 (4), those referred to in articles 231 and 232 by imprisonment of between 1 and 5 years and by the fine stipulated in article 26 (4), those referred to in articles 233 and 234 by imprisonment of between 6 months and 3 years and by the fine stipulated in article 26 (3)."*

62. Bill No. 973 on strengthening the protection of individuals against defamation and insult, was submitted in a public meeting on 22 February 2018. The bill provides for aggravated non-public insult and for non-public defamation and establishes more severe penalties in cases of non-public insult or defamation towards a person or group of persons with aggravated motives, including their origin or real or presumed membership or non-membership of a particular ethnic group, people or race, and real or presumed commitment or non-commitment to a particular religion.

63. In practice, judges take into consideration the racist or discriminatory nature of the offence and hand down a stiffer sentence.

64. Furthermore, the Government submitted Bill No. 895 amending Act No. 975 of 12 July 1975 on the status of civil servants to the National Council, introducing into the Act the principle of non-discrimination between civil servants on the basis of their political, philosophical, religious or trade union opinions, sexual orientation, state of health, disability, physical appearance or ethnicity.

65. Finally, on 17 March 2017, Monaco ratified the Council of Europe Convention on Cybercrime and its Additional Protocol concerning the criminalisation of acts of a racist and xenophobic nature committed through computer systems.

Recommendation No. 89.37 concerning the continuation of efforts to promote gender equality

66. Monaco continues to promote equality between men and women.

67. Under Act No. 1.440 of 5 December 2016 amending certain provisions of the Civil Code relating to name-giving and establishing pre-birth recognition of children, parents are

now permitted to give their children the mother's surname. Similarly, any person may bear and use the name of his or her spouse, substituting or adding to his or her own name, in the order which he or she chooses. The bill therefore enshrines gender equality in this area.

68. Moreover, Act No. 1.450 of 4 July 2017 on shared residence allows for the equal sharing of custody by the father and the mother, provided that it is in the child's interest.

69. A bill is being drafted to regulate night work. It will repeal the provision prohibiting night work for women, set forth in Ordinance-Law No. 677 of 2 December 1959 on working hours, as amended, which may be seen as a violation of gender equality.

70. Concerning non-discrimination and combating harassment in the workplace, Act No. 1.457 of 12 December 2017 on harassment and violence in the workplace entered into force on 23 December 2017.

71. To implement the provisions of this Act within the executive branch, the Government established a procedure for reporting acts or conducts that may fall under the Act, pursuant to the circular of 28 March 2018.

72. In 2015, a post of labour relations manager was created within the Human Resources and Training Department.

Recommendation No. 89.38 on the taking of measures to raise awareness of the rights set forth in the Act on specific forms of violence

(cf. the information provided in respect of recommendation 89.41 concerning NGOs)

73. Monaco has observed International Day for the Elimination of Violence against Women since 25 November 2016. Monaco became involved in this event as a result of joint deliberations by the Government, the National Council, the Office of the High Commissioner for the Protection of Rights and Liberties and for Mediation and associations working in this area. Poster campaigns launched for the occasion are disseminated via the government website, association websites and social media.

74. Other initiatives in this area include:

- The information page for victims of violence on the government website (https://service-public-particuliers.gouv.mc/Social-sante-et-famille/Action-sociale/Victimes-de-violences/Aides-aux-victimes-de-violences) and the Facebook page "*Journée Internationale de lutte contre les violences faites aux femmes*" [International Day to combat violence against women] created by Monaco
- A training campaign on caring for victims of violence, aimed at civil service and hospital staff
- A free anonymous helpline — 116-919 — to provide information to victims of domestic violence

75. The helpline is open from 9 a.m. until 8 p.m., 7 days a week. It is operated by the Department of Social Welfare and Social Services on Mondays from 9 a.m. until noon and by the Association d'Aide aux Victimes d'Infractions Pénales (AVIP) for the remaining opening hours.

76. After 8 p.m., the answering machine of AVIP provides the contact details of the Police Department, the accident and emergency department at the Princess Grace Public Hospital and the Public Prosecution Department so that victims can call the department that they require.

77. The Police Department can be reached 24 hours a day and will respond within 10 minutes of a call, where necessary. In view of the low number of calls made in the evening and the fast response times, it appears that the mechanism in place is meeting demand.

78. AVIP was established in July 2014 under Act No. 1.382 of 20 July 2011 on the prevention and punishment of specific forms of violence. It is a Government-approved association recognized under Ministerial Order No. 2014-660 of 20 November 2014. A civil servant has been seconded to this association since 1 May 2018.

79. The object of the association is to care for victims of criminal offences including violence in its broadest sense (physical, sexual, moral, etc.). It listens to them, tells them about the steps they can take to assert their rights and supports them throughout the process. Assistance is provided confidentially and free of charge. AVIP distributes brochures within the administration, the Palais de Justice (law courts) and the Police Department (see website: http://www.avip-monaco.org).

Recommendation No. 89.39 on complaints of human rights violations by the police

80. This recommendation was accepted in 2013, as it was considered already implemented.

81. The filing of complaints against police officers who have committed human rights violations does not present any legal difficulty. Furthermore, the Public Prosecutor oversees the police, including the criminal investigation police.

82. By virtue of Sovereign Order No. 765 of 13 November 2006 on the organization and functioning of the Police Department, as amended (art. 4), there is also a General Inspectorate of Police, which is under the direct authority of the Minister of the Interior. It acts on the instructions of the Minister of State, the Minister of the Interior or, with the agreement of the latter, at the request of the Director of the Police Department.

83. The Inspectorate is tasked with conducting internal investigations aimed at ensuring respect for police ethics. Cases may be referred to the Inspectorate by the judicial authority, in accordance with the law and in particular the Code of Criminal Procedure, when Police Department officials or officers are involved.

Recommendation No. 89.40 concerning persons convicted in Monaco and serving their sentences in France

84. This recommendation was accepted in 2013, as it was considered already implemented.

85. Monaco and France are bound by the Convention on Good-Neighbourliness, which provides that: "Persons sentenced to imprisonment for crimes under ordinary law shall be held in penal institutions in France [...]".

86. In 2016, France and Monaco concluded an agreement in principle (by means of an exchange of letters) that authorizes the sentence enforcement judge of Monaco to make regular visits to detainees convicted by the Monegasque courts and serving their sentences in French prisons in order to check that their conditions of detention are in conformity with the laws of Monaco. The sentence enforcement judge of Monaco has been made aware of this issue.

87. In 2017, only two prisoners were transferred to France to serve prison sentences of 10 months and 1 year, respectively. The two prisoners were placed under electronic surveillance in France and have not been visited by the Monegasque sentence enforcement judge. In 2018 so far, no prisoners have been transferred to France.

Recommendation No. 89.41 concerning the implementation of measures to encourage the establishment of non-governmental human rights organizations

88. In Monaco, there are many non-governmental organizations (NGOs) working for the defence of human rights: Mission Enfance, World Association of Children's Friends (AMADE-Monaco), GenderHopes/SheCanHeCan, Femmes Leaders Mondiales and AVIP, among others.

89. These NGOs benefit from financial and operational support from the Government. For example, Act No. 1.355 of 23 December 2008 concerning associations and federations of associations provides special dispensation for associations that defend the interests of victims to receive accreditation without undergoing a probation period, and thus be eligible for a grant to cover their operating costs.

Recommendation No. 89.42 concerning measures to guarantee the enjoyment of all economic, social and cultural rights

90. As the various measures highlighted in this document illustrate, Monaco continues to implement its policy of strengthening the promotion and protection of human rights, including economic, social and cultural rights.

91. In this context, the Government is drafting a bill on literary and artistic property, which modernizes Monegasque legislation in this area.

Recommendations Nos. 89.43 and 89.44 concerning the continuation of efforts for the equal guarantee of the right to free medical assistance and to education for all, particularly children, with special attention to those from disadvantaged environments

92. The right to health insurance is linked to paid work (private- or public-sector employment).

93. Children's medical coverage is determined by the employment of parents upon whom they are continuously and effectively dependent.

94. When a person is not in work and does not have a direct or indirect right to health insurance, he or she can benefit from State medical assistance, as introduced under Sovereign Order No. 5.743 of 3 March 2016. This basic medical coverage takes care of expenses incurred as a result of the sickness, maternity, disability or death of the claimant and, where appropriate, of his or her dependants.

95. It is available, subject to a means test, to all Monegasque nationals and persons who have resided in Monaco on a stable and regular basis for at least five years.

96. With regard to education for all, Act No. 1.334 of 12 July 2007 on education provides for compulsory education for all children of both sexes between 6 and 16 years of age. The Act provides for free primary and secondary (general and vocational) education in public educational institutions.

97. Moreover, the State contributes to meeting higher education costs incurred by families and students by providing scholarships according to need.

98. Act No. 1.425, adopted in 2016, establishing State financial aid to facilitate student access to loans was adopted in 2016.

Recommendation No. 89.45 concerning the protection of foreign workers, including through the revision of relevant legislation on their working conditions

99. This recommendation was accepted in 2013, as it was considered already implemented.

100. Monaco accepts this recommendation given that all workers legally employed in Monaco already enjoy the same working conditions.

101. There are 54,303 employees in Monaco, of whom 8.5 per cent work in the public sector and 16.2 per cent are resident in the country.

102. The distribution of nationalities is as follows: 63.7 per cent are French, 13.6 per cent Italian, 6.2 per cent Portuguese, 4.4 per cent Monegasque and 1.4 per cent British.

103. The tertiary sector accounts for 86.3 per cent of jobs, the secondary sector 13.5 per cent and the primary sector 0.2 per cent (Monegasque Institute of Statistics and Economic Studies, 2017 data).

Recommendation No. 89.46 concerning the adoption of pending legislation on harassment and the protection of non-Monegasque workers from any form of discrimination, particularly in terms of access to social and health services

104. This recommendation was accepted in 2013, as it was considered already implemented.

105. Monaco accepts this recommendation given that all legally employed workers in Monaco, whether foreign or local, already enjoy the same working conditions and social security cover in the event of illness or work-related accidents.

106. Act No. 1.457 on harassment and violence in the workplace was adopted on 12 December 2017. Acts of harassment, violence in the workplace (physical or psychological) and sexual blackmail are punishable by a term of imprisonment of 6 months to 2 years and/or a fine of €18,000 to €90,000.

107. The Act applies to all private- and public-sector employers, employees and trainees. Conversely, making false statements is also punished.

108. The appointment of a focal point is mandatory for all employers that are legal entities in public law, all companies that operate a State-granted monopoly and all entities that habitually employ more than 10 employees.

Recommendation No. 89.51 concerning cooperation with financial institutions and the recovery of funds of illicit origin

109. This recommendation was accepted in 2013, as it was considered already implemented.

110. Monaco wishes to recall the points highlighted during its 2013 review, including the fact that it provides effective judicial cooperation, irrespective of whether an agreement exists with the requesting State. Monaco cooperates on the basis of the principle of reciprocity and provides assistance to the various international organizations combating money-laundering.

111. The following may be recalled:

- Act No. 1.462 of 28 June 2018 strengthening the system for combating money-laundering, the financing of terrorism and corruption
- Act No. 1.362 of 3 August 2009 on the fight against money-laundering, the financing of terrorism and corruption
- Order No. 2.318 of 3 August 2009, amended by Order No 7.065 of 26 July 2018 setting the conditions for application of Act No. 1.362 of 3 August 2009 on the fight against money-laundering, the financing of terrorism and corruption
- Sovereign Order No. 1.675 of 10 June 2008 on procedures for the freezing of funds in the application of economic sanctions
- Sovereign Order No. 15.321 of 8 April 2002 on procedures for freezing funds in order to combat terrorism

112. Monaco is a member of or maintains relations with the following international bodies in order to exchange best practices with professionals engaged in the fight against terrorism and the financing of terrorism:

- United Nations Office on Drugs and Crime (UNODC)
- International Criminal Police Organization (INTERPOL)
- Council of Europe Counter-Terrorism Committee (CDCT)
- Egmont Group (an international forum that brings together the authorities responsible for processing reports of suspected money-laundering and terrorism financing)
- Council of Europe Committee of Experts on the Evaluation of Anti-Money Laundering Measures and the Financing of Terrorism (MONEYVAL)
- Financial Action Task Force (FATF)
- Organization for Economic Cooperation and Development (OECD) Forum

113. Monaco joined a network of cooperation between States after ratifying the Additional Protocol to the Council of Europe Convention on the Prevention of Terrorism on 4 October 2016.

114. Given its status as a State member of the United Nations and having signed a number of economic and monetary agreements with France and Europe, Monaco applies sanctions — including asset freezes and economic sanctions, travel bans and restrictions on the flow of capital and of certain goods — against individuals or groups on the basis of Security Council resolutions, European Commission regulations and orders issued by France in the framework of its national mechanism for the freezing of assets.

115. To meet its international commitments, Monaco publishes the ministerial orders transposing these measures into domestic law in its Official Gazette. They are also available on the website of the Financial Circuits Information and Control Department (SICCFIN). Decisions on company delistings are transmitted in this way.

116. Finally, the Department of Budget and Treasury maintains a register of sanctions, whose content is communicated to the European and French authorities.

117. The Monegasque financial intelligence unit, SICCFIN, is the central national authority responsible for collecting, analysing and processing information linked to the fight against money-laundering, the financing of terrorism and corruption. It cooperates and exchanges information with its foreign counterparts on the basis of reciprocity (54 agreements have been signed to date). It may also issue recommendations.

118. SICCFIN may also publish specific calls for monitoring in respect of certain countries, entities or types of asset (such as cultural property). Thus, credit and financial institutions, insurance companies and certain professionals — a list of which is established by law — have a legal obligation to carry out monitoring activities and to report suspicions concerning transactions that might be connected with terrorism or have their origin in organized crime. Furthermore, a guide on good conduct has been developed for associations.

119. SICCFIN has investigative powers to deal with reported suspicions. It refers cases of non-compliance to the justice system (Public Prosecutor).

120. It is also responsible, in its capacity as an autonomous administrative authority, for the monitoring of professionals, bearing in mind that ignorance of legal obligations may also lead to administrative penalties being imposed on offenders.

121. Several representatives of SICCFIN appear on the list of expert assessors of MONEYVAL.

122. Act No. 1.462 of 28 June 2018, strengthening the system for combating money-laundering, the financing of terrorism and corruption, was adopted with a view to meeting new international standards, taking into account the latest recommendations of the Financial Action Task Force, updated in 2012, the observations of MONEYVAL assessors on the Monegasque legal framework and the new requirements of the fourth anti-money-laundering directive of the European Union.

B. Partial implementation of accepted recommendations

Recommendation No. 89.12 concerning the abolition of the penalty of banishment

123. While the concept of banishment still appears in the Criminal Code as entailing the deprivation of civil rights and removal from Monegasque territory, in fact this punishment has never been ordered and never will be.

124. The Government plans to abolish this measure through a bill on sentencing, which will repeal the provisions of the Criminal Code on banishment and which is expected to be submitted by 8 December 2018.

C. Recommendations that are or have been the subject of further study

125. Follow-up given to the 19 recommendations (Nos. 90.1 to 90.19) formulated during the previous review of 28 October 2013, and which Monaco committed to answering at a later date. Recommendations Nos. 90.2 and 90.3 may now be considered implemented.

Recommendation No. 90.1 concerning the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights

126. A study on the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights is under way. It is proper to wait for its conclusion before any opinion may be given on the prospect of ratification.

Recommendations 90.2 and 90.3 concerning the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women

127. Monaco acceded to the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women in 2016.

Recommendations 90.4 and 90.5 concerning the ratification of the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

128. The position expressed in 2014 is unchanged.

129. Monaco acceded to the above-mentioned Convention on 6 December 1991. It was brought into force for Monaco by Sovereign Order No. 10542 of 14 May 1992 and is therefore fully part of the body of Monegasque legal instruments which Monegasque judges may invoke. Article 20 of the Constitution expressly prohibits torture and cruel, inhuman or degrading treatment or punishment.

130. The establishment of an independent body to monitor prisons and other places of deprivation of liberty as a tool for the prevention of ill-treatment seems inappropriate to the situation of Monaco. The country has only one prison, which holds on average between 20 and 30 prisoners serving short sentences. Thus, it is not, strictly speaking, a detention centre.

131. Furthermore, conditions of detention are already monitored by the follow-up mechanisms of international organizations such as the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment and the Committee against Torture.

132. No cases of ill-treatment or situations of poor material conditions have been identified or even alleged.

133. Therefore, Monaco cannot make a commitment to ratifying the Optional Protocol in question. However, the Government plans to conduct an impact assessment on its potential ratification.

Recommendations Nos. 90.6, 90.7, 90.8 and 90.9 on the ratification of the International Convention for the Protection of All Persons from Enforced Disappearance

134. The position expressed in 2014 is unchanged.

135. Monaco signed the International Convention for the Protection of All Persons from Enforced Disappearance on 7 February 2007, but a subsequent review of the Convention's provisions revealed constitutional and legislative incompatibilities with the provisions of Monegasque law.

136. However, a more in-depth study on the ratification of this Convention is under way.

Recommendations Nos. 90.10, 90.11, 90.12, 90.13, 90.14, 90.15 and 90.16 on the ratification of the Rome Statute of the International Criminal Court

137. The position expressed in 2014 is unchanged.

138. Ratification of the Rome Statute would require an in-depth reform of several laws, particularly the Constitution, the Criminal Code and the Code of Criminal Procedure. Even so, Monaco is determined to cooperate with the International Criminal Court, on a case-by-case basis, on matters on which the Court might request its cooperation.

139. Monaco has already responded to a request for assistance from the Prosecutor of the International Criminal Court. On the basis of article 87 (5) (a) of the Rome Statute, Monaco cooperated with the Court pursuant to a letter rogatory issued against a person being prosecuted on charges of crimes against humanity and war crimes.

140. The requested investigations did not concern evidence of the offences for which charges had been brought, but rather provisional and reparative measures that could be ordered in the interests of the victims.

141. The documents produced in response to the request for assistance were transmitted with a "speciality reservation" to the effect that the information contained in the documents cannot be used or transmitted for purposes other than those specified in the request.

Recommendations Nos. 90.17 to 90.19 on accession to the International Labour Organization and some of its Conventions

142. The position expressed in 2014 is unchanged.

143. Accession to the International Labour Organization and some of its Conventions raises the question of compatibility with trade union rights in Monaco and the system of priority in employment. Thus, the Government cannot provide an official response, but agrees to continue ongoing discussions.

144. The Constitution and the legislation and regulations in force in Monaco contain no discriminatory provisions on the grounds of race, colour, sex, language or religion. Monegasque nationals are given priority in employment solely for the purpose of their protection, as they are a minority in their country.

IV. International cooperation

Recommendations Nos. 89.47 to 89.50 on development cooperation

145. Bearing in mind that the main objective of official development assistance is "the promotion of the economic development and welfare of developing countries", the assistance provided by Monaco contributes towards the international goal of "providing adequate and predictable means for developing countries, in particular least developed countries, to implement programmes and policies to end poverty in all its dimensions" (Sustainable Development Goal 1, target 1.a).

146. The strategic plan on official development assistance for the period 2018–2020 will contribute, in association with public and private partners, to meeting the most immediate needs of food security, health, education and employment, beyond the simple duty of assistance.

147. Concerning gender equality, women remain one of the main targets of the development assistance extended by Monaco. In this regard, the Government will continue its efforts to improve women's health, boost the education of girls and young girls and encourage women to enter the labour market (rural occupations, entrepreneurship).

148. The projected amount of official development assistance for the period 2018–2020 — €54 million — represents an annual increase of 15 per cent compared with the 2017 figure of €14 million. Monaco allocates at least 70 per cent of its development assistance to least developed countries.

149. Although this cooperation strategy focuses on 11 partner countries, mostly least developed countries, Monaco also carries out other activities in other regions of the world and in other contexts.

150. Thus, Monaco makes financial contributions to projects undertaken by the Union for the Mediterranean, including "Young Women as Job Creators" in 2014 and "Forming Responsible Citizens — Equal citizenship education to prevent school violence" between 2015 and 2018.

151. Monaco also provides financial support in the framework of the Council of Europe neighbourhood policy, including for a project to combat violence against women, domestic violence and violence against children in the southern Mediterranean region and for the Action Plan on Protecting Refugee and Migrant Children in Europe, in 2018 and 2019.

152. In 2010 and 2015, Monaco supported a project of the Organization for Security and Cooperation in Europe to prevent trafficking in persons and to assist children without parental care in the Republic of Moldova; since 2016, it has contributed financially to the programme "Combating Human Trafficking along Migration Routes", which aims to enhance investigation and protection capacities and mechanisms.

153. The contributions of Monaco to the United Nations — including the United Nations Entity for Gender Equality and the Empowerment of Women, the Office of the United Nations High Commissioner for Refugees, the United Nations Children's Fund and the United Nations Office on Drugs and Crime — and to the International Committee of the Red Cross also reflect its willingness to join a common effort.

154. Monaco participates in a programme for the strengthening of intersectoral cooperation (government and civil society) to improve assistance to victims of trafficking in West Africa, in partnership with the United Nations Office on Drugs and Crime in Senegal.

155. At the boundary of development and humanitarian assistance, Monaco works with the Office of the United Nations High Commissioner for Refugees on programmes to assist and protect refugees (in Morocco) and to enhance their access to education (in Lebanon) and employability (in Tunisia).

156. Monaco also contributes to the Physical Rehabilitation Programme of the International Committee of the Red Cross, focusing on persons with disabilities in Mali.

157. Accordingly, the Government has for many years committed to helping the most vulnerable and it intends to continue its efforts in the context of the Sustainable Development Goals.

Conclusion

158. Monaco recognizes the importance of the universal periodic review for the promotion and protection of human rights and pledges to monitor the policies it has put in place, in accordance with the recommendations it has accepted.

159. Monaco has strengthened its policy in the area of human rights by establishing two entities: the Office of the High Commissioner for the Protection of Rights and Liberties and for Mediation, which is responsible for handling appeals and disputes between citizens or users and administrations and public services; and AVIP, which operates in accordance with the Act on the prevention and punishment of specific forms of violence.

160. Additionally, an interministerial committee for the promotion and protection of women's rights will soon be established and will be led by an interministerial delegate tasked with promoting comprehensive and effective long-term policies.

161. Furthermore, Monaco has enriched its legislation by enacting laws on issues including the rights and freedoms of persons with disabilities, gender equality, harassment and violence in the workplace, medical consent and information and the fight against racism, by establishing an aggravating circumstance in that regard.

162. Monaco continues to engage in efforts to protect the most vulnerable, paying particular attention to education and the promotion of human rights awareness.

163. Finally, Monaco will continue to invest in the areas of food security, health, education, employment and gender equality, in the context of international cooperation.